

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

WALKER TIMOTHY SCHOONOVER,

Petitioner,

v.

No. 11-cv-1076 JB/SMV

JOSEPH J. GARCIA, et al.,

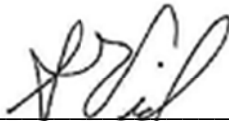
Respondents.

ORDER DENYING MOTION FOR EXTENSION OF TIME

THIS MATTER is before the Court on Petitioner's Motion for Extension of Time to Re-File Habeas Corpus Petition (28 U.S.C. § 2254) [Doc. 19] ("Motion"), filed on October 10, 2012. Petitioner requests an extension of the one-year statute of limitations within which to refile his habeas petition because he *anticipates* that he will not be able to exhaust his state-court remedies before the deadline. Motion [Doc. 19] at 2, 3. However, the ripeness doctrine discourages courts from "entangle[ing] themselves in abstract disagreements." *Morgan v. McCotter*, 365 F.3d 882, 890 (10th Cir. 2004). At this time, the challenged harm has not occurred. Thus, the motion should be DENIED.¹

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Petitioner's Motion for Extension of Time to Re-File Habeas Corpus Petition [Doc. 19] is DENIED.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge

¹ Tolling of the statute of limitations is allowed in certain circumstances pursuant to 28 U.S.C. § 2244.